



SPEED POST

B-33014/30/2013/AQM 2059

January 23, 2019

To,

The Secretary,
Irrigation and Flood Control Deptt,
Delhi Government
Varunalaya Building, Phase II,
Karol Bagh
Delhi-110005

Sub: Directions under Section 5 of Environment (Protection) Act, 1986 regarding open dumping/burning of garbage and industrial waste along Shahadra open drain in Delhi /NCR

WHEREAS, clean air is a matter of right and it is necessary to take steps towards improvement of Air Quality and for protecting public health National Ambient Air Quality Standards have been prescribed for 12 pollutants viz. PM_{2.5}, PM₁₀, SO₂, NO₂, CO, Ozone, NH₃, Benzene, Benzo(a)pyrene, Pb, Ni, and As; and

WHEREAS, many towns and cities, where ambient air is monitored under National Ambient Monitoring Programme, are not complying with the National Ambient Air Quality Standards, particularly with respect to particulate matter pollution, and NO₂, benzene and Ozone are becoming a matter of concern;

WHEREAS, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M. C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan (GRAP) was prepared for implementation under different Air Quality Index (AQI) categories namely, Moderate & Poor, Very Poor, Severe and Sever + as per National Air Quality Index, and, that Ministry of Environment, Forests & Climate Change vide notification dated January 12, 2017 entrusted responsibility of implementation of Graded Response Action Plan to Environment Pollution (Prevention & Control); and

Whereas, open dumping and burning of waste is a major cause of air pollution affecting human health; and

WHEREAS, the Ministry of Environment & Forests, Government of India vide Notifications No. GSR 913 (E) dated 24.10.1989, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and the rules notified under the Environmental (Protection) Rules, 1986 and amendment thereof,

WHEREAS, inspection of Shahadra drain in Delhi-NCR was carried out by a team consisting of officials from MoEF&CC, CPCB, DPCC, MCD and Sub-District Magistrate deputed on field under Clean Air Campaign during November 01-10, 2018 and it was observed that industrial/municipal solid waste was dumped/burnt in several stretches along the drain. Three incidents of waste burning were cited during November 04-05, 2018. Local residents have also reported several cases of waste burning along the drain which has caused air pollution; and

Whereas Challan dated November 05, 2018 has been issued by EDMC to I&FC Deptt, Govt. of Delhi,

Whereas, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, Notice dated December 03, 2018 had been served to I&FC Deptt. Govt. of Delhi to Show Cause as to why it should not be held responsible for open burning/dumping of waste in Shahadra drain; Environmental Compensation of Rs 1,00,00,000/- (Rs. One Crore only) shall not be levied, and prosecution should not be initiated against I&FC Deptt. Govt. of Delhi for non-compliance of Directions;

Whereas, I&FC Department has responded to CPCB's Notice dated December 03, 2018 vide letter dated December 17, 2018 as per which it has informed that it has taken several steps to protect its territory along the drain which include:

- Constructing boundary wall along the drain and repairing the wall where it is broken. It has further informed that land on the right bank from Karawal Nagar to TATA Telco belongs to PWD and it has advised PWD to plug the loopholes along the boundary wall.
- Fixing fencing on the bridges over the drain
- Providing land to Municipal Authorities to construct Dhalao along the drain to dissuade residents from disposing waste into the drain. 37 dhalaons have been constructed
- Special intensive drive launched during winter to prevent disposal/burning of waste on its territory
- Joint inspection with EDMC officials carried out during August 2018 to sensitize local residents to use the dhalaons

Further, it has informed that it further plans to take up the following activities:

- (a) To repair the boundary wall where it is broken. An immediate step of providing bamboo barricading has been provided
- (b) Provision to be made for "watch and ward" to stop disposal and burning of waste along the drain
- (c) Plan a comprehensive strategy to station water tanker to immediately extinguish fire, if any, caused due to burning of waste
- (d) Comprehensive proposal for creating landscaping along the drain
- (e) Treatment of drain water with wetland technology
- (f) Requesting EDMC to take action against persons damaging the boundary wall/fencing along the drain/ bridges

NOW THEREFORE, in view of above and in exercise of power vested under Section 5 of Environment (Protection) Act 1986, I&FC Deptt. Govt. of Delhi is directed to comply with the following Directions

- i. To submit a time –bound action plan for completion of activities listed at (a) to (f) above
- ii. To submit monthly report to CPCB apprising about the progress of implementation of action plan
- iii. To take further necessary steps to ensure that disposal & burning of waste does not occur along the Shahdara drain

In case of failure of I&FC Department, Govt. of Delhi to comply with the Directions, action as deemed fit under the Environment (Protection) Act, 1986/ National Green Tribunal Act, 2010 would be initiated.

(S.P.S Parihar)
Chairman

Copy to:

1 Joint Secretary,
CP Division, :For information please
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✓ 2. Divisional Head,
IT Division, CPCB


(Prashant Gargava)
Member Secretary

